

REMARKS

In the last Office Action, claims 1-3 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by US 5,048,990 to Hashimoto et al. ("Hashimoto"). Claims 6-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hashimoto. Claim 4 was objected to as being dependent upon a rejected base claim and was otherwise indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8-16 were allowed.

In accordance with this response, claims 1 and 6-16 have been amended, claims 2-5 have been canceled and new claims 17-24 have been added. The specification has been revised in editorial respects to correct informalities, improve the wording and provide a direct antecedent basis for the claim terminology.

Applicants and applicants' attorney acknowledge with appreciation the allowance of claims 8-16 and the indication of allowability concerning claim 4.

Independent claim 1 has been amended to incorporate the subject matter of allowable claim 4, thereby placing claim 1 in allowable form. Claims 6-7 depend on claim 1 and are thus likewise allowable. Claims 8-16 stand allowed. In addition, claims 1 and 6-16 have been amended in formal

respects to improve the wording and better conform these claims to U.S. practice. Claims 2-5 have been canceled. Therefore claims 1 and 6-16 are now believed to be in allowable form.

Newly added claims 17-24 also patentably distinguish over the prior art. Independent claim 17 is directed to a writing tool and, with reference to the first exemplary embodiment shown in the drawings, comprises a tubular member or shaft tube 1 having an open front end, and a writing body 2 axially slidable in the tubular member between a forward position in which a writing nib 10 of the writing body extends through the open front end of the tubular member (Fig. 9) and a rearward position in which the writing nib is retracted into the tubular member (Fig. 1). A sealing tube 3 is disposed in the tubular member 1 at a front portion thereof and has a front end through which the writing nib 10 passes as the writing body moves forward in the tubular member to its forward position (Figs. 9-10) and behind which the writing nib retracts when the writing body 2 is in its rearward position (Fig. 1). A sealing lid 4 is disposed forwardly of the front end of the sealing tube 3 and is movable to open and close the front end of the sealing tube.

A guide tube 6 is slidably disposed in the tubular member 1, and a portion of the writing body 2 extends through

the guide tube 6. A biasing spring 7 is disposed in the tubular member 1 and interposed between the sealing tube 3 and the guide tube 6 to resiliently urge the guide tube together with the writing body rearwardly to normally position the writing body in its rearward position. A plurality of flexible elongate members or line portions 51, 52, 53 are provided for moving the sealing lid to open and close the front end of the sealing tube 3. As recited in claim 17, each of the elongate members has a front end connected to the sealing lid 4 (see Fig. 5), and one or more of the elongate members 52, 53 are connected to the guide tube 6 and another of the elongate members 51 is slidably relative to the guide tube 6 (Fig. 10) and is engagable with the sealing tube 3 during forward movement of the writing body 2 to restrict forward movement of the elongate member 51 to permit the sealing lid 4 to open the front end of the sealing tube 3. As the writing body 2 retracts, the elongate members pull the sealing lid 4 so as to close the front end of the sealing tube 3.

Hashimoto discloses several embodiments of a retractable-nib writing tool but none having the construction of the writing tool recited in independent claim 17. In the Fig. 1 embodiment of Hashimoto, the writing tool has a writing body 3 slidably disposed in a tubular member 1, and a sealing

tube 5 having a deformable sealing cover 7. A first spring 24 is interposed between a locking ring 21 and a slide ring or guide tube 12 and a second spring 26 is interposed between the sealing tube 5 and projections 25 formed on the writing body 3. By contrast, independent claim 17 requires a spring interposed between the sealing tube and the guide tube to resiliently urge the guide tube and the writing body rearwardly to position the writing body in its rearward position. In Hashimoto, neither the spring 24 nor the spring 26 is interposed between the sealing tube 5 and the slide ring (guide tube) 12.

Moreover, claim 17 requires that the guide tube be in contact with the writing body so that the spring resiliently urges the guide tube and the writing body rearwardly to position the writing body in its rearward position. By contrast, in Hashimoto, the slide ring (guide tube) 12 is not in contact with the writing body 3 but rather is clearly spaced therefrom.

Claim 17 further requires that one or more of the flexible elongate members are connected to the guide tube to pull the sealing lid to close the front end of the sealing tube as the guide tube moves rearwardly, and another of the flexible elongate members is slidably relative to the guide tube and is engagable with the sealing tube during forward

movement of the writing body to restrict forward movement thereof to permit the sealing lid to open the front end of the sealing tube. No similar arrangement is disclosed by Hashimoto. In the reference, two flexible elongate members 9,9 are provided, and both are connected at their rear ends to the slide ring (guide tube) 12. Neither of the elongate members 9, 9 is slid able relative to the slide ring 12 and neither engages with the sealing tube 5 to restrict forward movement of the elongate member so as to permit the sealing lid 7c to open the front end of the sealing tube.

These deficiencies in the Fig. 1 embodiment of Hashimoto are not cured by the other disclosed embodiments. As independent claim 17 includes limitations that are not found in Hashimoto, the reference cannot anticipate the claim. Moreover, there is no teaching or suggestion in Hashimoto that would have led one of ordinary skill in the art to make the modification necessary to render obvious claim 17.

Dependent claims 18-24 recited further features of the disclosed embodiments, at least some of which are not disclosed or suggested by Hashimoto. Claim 18, for example, requires that the sealing lid and the flexible elongate members comprise a unitary structure, and claims 21-22 recite the coacting parts of the sealing tube and the flexible elongate member that restrict forward movement of the elongate

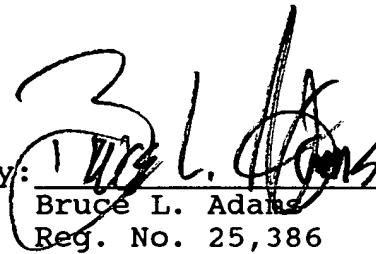
member to permit the sealing lid to open the front end of the sealing tube. These limitations are not disclosed or suggested by Hashimoto.

Thus new claims 17-24 also patentably distinguish over the prior art.

In view of the foregoing, the application is now believed to be allowable form. Accordingly, favorable reconsideration and passage of the application to issue are respectfully requested.

Respectfully submitted,

ADAMS & WILKS
Attorneys for Applicants

By: 

Bruce L. Adams
Reg. No. 25,386

17 Battery Place
Suite 1231
New York, NY 10004
(212) 809-3700

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Donna Riccardulli

Name

Donna Riccardulli

Signature

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